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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,721	09/22/2003	Paul Haahr	0026-0151	2439
44989 7590 12/23/2010 HARRITY & HARRITY, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030				
EXAMINER PYO, MONICA M				
ART UNIT		PAPER NUMBER		
2161				
MAIL DATE		DELIVERY MODE		
12/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/668,721

Applicant(s)

HAAHR ET AL.

Examiner

MONICA M. PYO

Art Unit

2161

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 07 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 79-126.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument filed on 12/7/2010 have been fully considered but they are not persuasive.

The main point of applicant's argument regarding the Holt in view of Bowman references is that these references do not disclose the limitation of "formulating, by a processor, a search query refinement suggestion based on at least one of the search result documents and at least one search query-search document association in a database relating to the at least one search result document, where each search query-search document association represents a one-to-one pairing of an issued search query and a search document". The examiner disagrees with this argument. Holt in view Bowman discloses what has been claimed as explained in the rejection. It should be noted that it is the claims that define the claimed invention, and it is the claims, not the specification nor applicant's intention/interpretation, that are anticipated or unpatentable.

Applicant further argues that the Holt reference does not disclose that the terms is a search query or that the document is a search document. However, the examiner again disagree with this argument because the Holt reference recites (i.e., col. 6, lines 16-23) "a text data collection that comprises a plurality of documents with each document consisting of a number of terms." The Holt reference further discloses that "a query is received that typically identifies at least one term", which implies that the "term" received within the query can identify a document which is part of a text data collection. Thus, the Holt reference discloses the applicant's broadly recited claim limitation.

In addition, applicant argues that the Holt reference does not fully disclose the feature of "formulating a search query refinement". It should be noted that the rejections regarding these claims are made under 35 U.S.C. 103(a) and the test for obviousness is whether the combined teaching of the references would have suggested the combination to one of ordinary skill in the art. Although Holt does not disclose all of the claimed limitations, the features not disclosed by Holt is disclosed by Bowman (i.e., selecting related terms that best match a user's query and presenting the selected related terms to the user, which is known as a 'search refinement' feature) as explained in the prior office action. It should be noted that one can not show non-obviousness by attacking references individually where, as here, the rejection is based on the combination of references.